

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**MICHAEL RAY FORTUNA,**

**Plaintiff,**

v.

**Case No. 1:19cv3  
(Judge Kleeh)**

**MRS. HOFFMAN, Medical  
Administrator; MRS. KROGAN,  
Assistant Medical Administrator;  
MR. DEWAYNE HENDRIX, Warden;  
MRS. CORBIN, Physical Assistant;  
MRS. SHAFER, C.O.,**

**Defendants.**

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR CLERK TO RE-ISSUE SUMMONSES**

On March 31, 2020, an Order Regarding Preliminary Review and Service of Process was entered in this Bivens action, directing the Clerk to issue 60-day summonses for the defendants and send them to the Plaintiff, who is not proceeding as a pauper in this matter, and thus, is not entitled to Court-ordered service of process by the United States Marshal Service. ECF No. 52. The Clerk issued the summonses and forwarded them to the Plaintiff, along with a copy of the Order and the Second Amended Complaint, so that Plaintiff could effectuate service. ECF No. 53.

Thereafter, on April 9, 2020, Plaintiff filed copies of the summonses, indicating that they had been served on the defendants via certified mail. See ECF No. 56.

On April 14, 2020, Plaintiff filed a letter Motion to Reissue Summons, requesting that the Clerk reissue the summonses, and “disregard the summons[es] I sent out by certified mail so I can redo them and I have the copies of my complaint so I won’t need them[.]” ECF No. 57.

Accordingly, Plaintiff's letter motion [ECF No. 57] is **GRANTED**.

It is hereby **ORDERED** that the prior summonses are **QUASHED**.

The **Clerk is directed forthwith** to re-issue a **sixty (60) day** summons for each of the named defendants and forward those forms to the Plaintiff. In addition, a summons should be issued for The United States of America, c/o of the U.S. Attorney General and the United States of America c/o Civil Process Clerk U.S. States Attorney's Office for the Northern District of West Virginia. Plaintiff shall effect service of process upon those parties and timely provide the Court with certification of service by filing documents which reflect proper, completed service upon each party. The failure to provide proof of proper service for a particular party, or the failure to show good cause for the failure to effect service within the time allotted, could result in the dismissal of this case without prejudice. Plaintiff is reminded that **service of process must be effectuated on or before June 29, 2020.**

Pursuant to the Local Rules of Prisoner Litigation Procedure ("LR PL P"), any Memorandum of Law filed by the defendants in support of a dispositive motion **shall not exceed 25 pages**. The plaintiff shall have **twenty-one (21) days** from the date a dispositive motion is served to file any Response he may have. Any memorandum filed in support of his Response **shall not exceed 25 pages**. Memoranda filed in Reply to a response **shall not exceed 15 pages**. Surreply and Surrebuttal Memoranda may not be filed. **Failure to comply with the page limitations set forth herein, without prior approval of the Court, will result in the entire document being stricken from the docket and returned to the party upon Court Order.**

IT IS SO ORDERED.

The Clerk is further directed to forward a copy of this Order, a copy of the Court's March 31, 2020 Order [ECF No. 52] a copy of the Second Amended Complaint [ECF No. 49], and the

completed reissued summonses to the *pro se* Plaintiff, by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: April 16, 2020

/s/ *Michael John Aloi*  
MICHAEL JOHN ALOI  
UNITED STATES MAGISTRATE JUDGE